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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,863	09/28/2005	Tadayoshi Sato	SAT-45	2999
20311 7590 01/09/2009 LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016				
EXAMINER				
KURTZ, BENJAMIN M				
ART UNIT		PAPER NUMBER		
1797				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments filed 12/22/08 have been fully considered but they are not persuasive.

Applicant argues that Kelly does not teach a basin having a bottom with an opening. The basin of Kelly has a bottom and the bottom region has an opening as shown in the previous rejection. Therefore the apparatus of Kelly fulfills the claimed limitation of a basin having a bottom with an opening.

Applicant also argues that Kelly does not teach an open/close means provided at space corresponding to said predetermined water level. The claim does not specify how the space at which the open/close means corresponds to the predetermined water level. Dictionary.com defines corresponding as associated in a working or other relationship. The open/close means of Kelly corresponds to the predetermined water level in some fashion and thereby meets the limitations of the claim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BENJAMIN KURTZ whose telephone number is (571)272-8211. The examiner can normally be reached on Monday through Friday 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Benjamin Kurtz  
Examiner  
Art Unit 1797

/Krishnan S Menon/  
Primary Examiner, Art Unit 1797